

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. NO.: 05-11490 JLT

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA (FORMERLY
KNOWN AS THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS)
INDIVIDUALLY AND A/S/O DACON CORPORATION
AND CONDYNE VENTURES, LLC.,

Plaintiff

v.

GENESIS INDEMNITY INSURANCE COMPANY
and TIG INSURANCE COMPANY,

Defendants

**PLAINTIFF'S APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT ON COUNT I OF THE COMPLAINT**

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA (FORMERLY
KNOWN AS THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS)
INDIVIDUALLY AND A/S/O DACON
CORPORATION AND CONDYNE
VENTURES, LLC

By its Attorney,



Richard J. Riley, BBO#420610

William P. Mekrut, BBO#654350

MURPHY & RILEY, P.C.

141 Tremont Street

Boston, MA 02111

Ph.: 617-423-3700

Fx.: 617-423-1010

Email: RRiley@MurphyRiley.com

Email: WMekrut@MurphyRiley.com

CERTIFICATE OF SERVICE

I Hereby Certify That On This Day
A True Copy Of The Within Document
Was Served Upon The Attorney Of
Record For Each Party By Mail/Hand
Dated: 11.1.05 CPM

TABLE OF CONTENTS

1. Subcontract between Dacon Corporation and Environmental Fire Protection, Inc., dated October 27, 2000.
2. Contract between Condyne and Dacon Corporation, dated September 8, 2000.
3. Complaint in Martin, et al. v. Dacon Corporation, et al., Commonwealth of Massachusetts, Bristol County Superior Court, Civil Action No. BRCV2002-00168.
4. Deposition of Michael Martin, dated August 4, 2003.
5. Travelers policy number DTCO21OR3260, named insured Dacon Corporation.
6. Genesis Indemnity Insurance Company policy number CX00008549, named insured Environmental Fire Protection, Inc.
7. TIG Insurance Company policy number XLL38857442, named insured Environmental Fire Protection, Inc.
8. Defendant, Genesis Indemnity Insurance Company's List of Deponents and Impending Motions, dated October 11, 2005.
9. Deposition of Michael Walch, dated November 1, 2004.
10. Anheuser-Busch, Inc. v. Empire Indemnity Insurance Company, 2003 Cal. App. Unpub. LEXIS 4963.